

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re the Application of:

Azari Fruit Products, LLC.

Application Serial No. 76/517,339

Filed: May 28, 2003

Mark: FROODLES A HEALTHY, FRUITFUL NOODLEY SNACK & Design

Published in the Official Gazette

Of December 23, 2004,

Kellogg North America Company

v.

AZARI FRUIT PRODUCTS, LLC.

TTAB

ANSWER

Azari Fruit Products, LL., ("AZARI"), a Colorado limited liability company, through its attorney William J. Kneeland of the Kneeland Law Office, LLC., files its Answer as follows:

1. AZARI is without knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraphs 1, 2, 3, and 5 of KELLOGG'S NOTICE OF OPPOSITION.
2. AZARI admits the allegations made in paragraph 6 of KELLOGG'S NOTICE OF OPPOSITION.
3. AZARI denies the allegations made in paragraph 4 of KELLOGG'S NOTICE OF OPPOSITION.
4. AZARI denies the allegations made in paragraph 7 of KELLOGG'S NOTICE OF OPPOSITION as there is no confusion between the parties' trademarks.



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5. AZARI denies the allegations made in paragraph 8 of KELLOGG'S NOTICE OF OPPOSITION as there is obviously no damage when there is no confusion between the parties' trademarks.
6. AZARI denies the allegations made in paragraph 9 of KELLOGG'S NOTICE OF OPPOSITION as the trademarks are not substantially, or otherwise, similar marks.
7. AZARI denies the allegations made in paragraph 10 of KELLOGG'S NOTICE OF OPPOSITION as the parties' trademarks are not confusing, are not substantially similar, and therefore do not and will not dilute KELLOGG'S trademark.
8. AZARI denies all other allegations of KELLOGG'S NOTICE OF OPOSITION which have not been specifically admitted.

AFIRMATIVE DEFENSES

9. KELLOGG'S OPPOSITION fails to state a claim upon which relief can be granted against AZARI as there are is no confusion, no damages and no dilution as to the parties' trademarks.

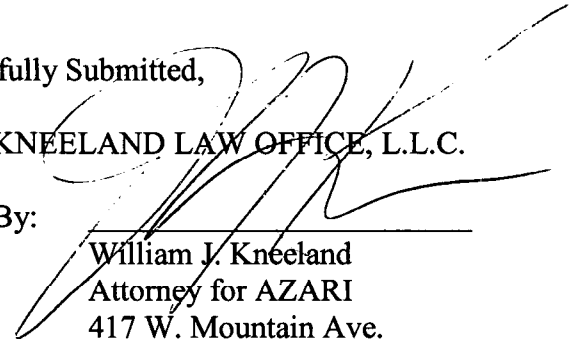
WHEREFORE, AZARI requests that the Trademark Trial And Appeal Board deny KELLOGG'S OPPOSITION, find that there is no confusion, no damages and dilution of KELLOGG'S trademark, and thus, finds that AZARI'S trademark registration should be issued as requested.

Dated: July 22, 2004.

Respectfully Submitted,

KNEELAND LAW OFFICE, L.L.C.

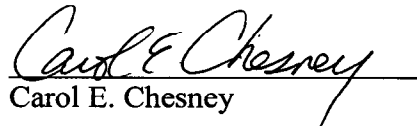
By:


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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of July, 2004, a true and correct copy of the foregoing Answer was placed in the U.S. Mail, First Class postage prepaid and addressed as follows:

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Corporate Counsel
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